

### **COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1797.01
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	September 10, 2001
DATE OF REPORT:	October 9, 2001
REQUEST FOR RECONSIDERATION:	yes/no changes to CIR
DATE OF CLOSURE:	November 9, 2001

### **COMPLAINT ISSUES:**

Whether the River Forest Community School Corporation and the Northwest Indiana Special Education Cooperative violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) during the 2000-2001 school year and during the summer of 2001, specifically:

- a. failing to provide identified modifications;
- b. failing to provide the parent with progress reports as indicated; and
- c. failing to provide counseling services.

511 IAC 7-17-72 with regard to the school's alleged failure to ensure that the student's teacher of record (TOR) informed the student's extended school year (ESY) teacher for the summer of 2001 of his or her responsibilities related to implementing the student's IEP.

### **FINDINGS OF FACT:**

1. The student is thirteen years old, attends the seventh grade, and has been determined eligible for special education due to a learning disability.
2. Pages 3, 8, 9, 10, and 12 of the IEP dated May 11, 2000, lists the modifications that the CCC determined the student should receive during the 2000-2001 school year. Eight modifications were listed in the IEP to support the student in his general and special education programs. Based on a telephone conversation with the student's TOR, and according to a written response submitted by the TOR, all modifications identified in the student's IEP dated May 11, 2000, were implemented as specified. Pages 6, 8, 9, 10, and 14 of the IEP dated June 5, 2001, list the modifications that the CCC determined the student should receive for the 2001 ESY program and for the 2001-2002 school year. Twenty-one modifications are listed in the IEP to support the student in his general and special education programs. Because the instructional day for the ESY program was much shorter in length than the instructional day during the regular school year, the ESY program for the summer of 2001 primarily focused on the areas of math, reading, and writing. Due to this, the ESY teacher states it was not necessary to utilize many of the modifications listed in the June 5<sup>th</sup> IEP. The ESY teacher states she utilized the following modifications during the summer program: independent reading at ability level,

extra time for assignments, extra teacher help, and modified assignments. Based on a telephone conversation with the ESY teacher, and according to a written response submitted by the ESY teacher, all appropriate modifications identified in the student's IEP dated June 5, 2001, were implemented as specified during the 2001 ESY program.

3. The parent signed both IEPs dated May 11, 2000, and June 5, 2001, indicating her agreement with the recommendations made by the CCC and giving consent for the IEPs to be implemented.
4. The parent states she was not aware that the school only had to provide her with progress reports regarding the student's progress made toward achieving annual goals listed in the IEP. She reports she was under the impression that the school had to provide to her detailed reports regarding the student's progress made toward annual goals on a quarterly basis. The IEP dated May 11, 2000, indicates that the parent will be informed of the student's progress made toward annual goals by the student's report cards and by one conference with the parent during the school year. The parent acknowledges that the school provided her with the report cards and convened a conference with her according to the requirements specified in the IEP.
5. It is the parent's understanding that the student was to participate in counseling services at school due to discussions at a CCC meeting convened on April 18, 2001, regarding issues involving the student's self-esteem and the need for him to share concerns he may have with others. The April 18<sup>th</sup> Conference Report reflects that the student may be able to participate in a group with other boys that meets weekly with a school social worker. It is reported in a written statement provided by the social worker that the student participated in a group with other sixth grade boys for five sessions near the end of the 2000-2001 school year. There is no reference in the IEPs dated May 11, 2000, and June 5, 2001, or in the Conference Report dated April 18<sup>th</sup> that indicates the student was to be provided with counseling services.
6. The ESY teacher who taught the student's 2001 ESY program does not teach at the student's school; as a consequence, she did not have contact with the student's TOR prior to the beginning of the 2001 ESY program. Although not mentioned in the Conference Report, written statements from the director, educational diagnostician, and the student's TOR indicate that it was determined at the June 5, 2001, CCC meeting that the educational diagnostician would assume the task of informing the ESY teacher of her responsibilities for ensuring that the student's IEP was implemented as written. This decision was made because the educational diagnostician would be teaching at the same ESY program that the student would be attending in the summer of 2001. The parent states she does not recall what agreement was made in regards to how the ESY teacher would be informed of her responsibilities for ensuring that the student's IEP was implemented. Both the TOR and the educational diagnostician attended the June 5<sup>th</sup> CCC meeting and participated in the development of the student's goals and benchmarks for the 2001 ESY program. The TOR reports in a written statement that she met with the educational diagnostician on June 5, 2001, and discussed with her the student's present levels of academic performance, classroom needs, and the goals indicated on the IEP for the ESY program. The TOR states she also advised the educational diagnostician that she would be available by telephone should the ESY teacher wish to consult with her regarding issues involving the student's IEP. The educational diagnostician's written statement confirms the information reported in the TOR's written statement. In addition, the educational diagnostician's written statement

indicates that she met with the student's ESY teacher at the beginning of the ESY program and reviewed with her the student's IEP, the student's specific reading goals, and issues concerning peer relationships. The educational diagnostician reports in her written statement that the ESY teacher consulted with her on one other occasion during the ESY program regarding the implementation of the student's IEP. During a telephone conversation with the complaint investigator, the ESY teacher confirmed the accuracy of the written statements made by both the TOR and the educational diagnostician. In addition to reviewing the IEP, the ESY teacher states she maintained copies of the student's goals and objective forms in the classroom and was able to implement the IEP as written.

## **CONCLUSIONS:**

1. Finding of Fact #2 indicates the school implemented all modifications specified in the student's IEPs dated May 11, 2000, and June 5, 2001, for the 2000-2001 school year and for the 2001 ESY program. Therefore, no violation of 511 IAC 7-27-7(a) is found.
2. Findings of Fact #3 and #4 reflect that the parent agreed to how and when she would be informed of the student's progress made toward annual goals and that she acknowledged receiving this information as specified in the IEP. Therefore, no violation of 511 IAC 7-27-7(a) is found.
3. Finding of Fact #5 establishes that the CCC never determined that the student was in need of counseling services. Therefore, no violation of 511 IAC 7-27-7(a) is found.
4. Finding of Fact #6 indicates that although the student's TOR was unable to inform the ESY teacher of her responsibilities for implementation of the student's IEP, provisions were made by the TOR and the school to ensure that the ESY teacher was informed of her specific responsibilities related to implementing the student's IEP during the 2001 ESY program. Therefore, no violation of 511 IAC 7-17-72 is found.

**The Department of Education, Division of Special Education, requires no corrective action based on the Findings of Fact and Conclusions listed above.**

DATE REPORT COMPLETED: October 9, 2001